

Exhibit 2

Archived: Thursday, March 14, 2019 10:47:12 AM

From: Dan Nordin

Sent: Fri, 11 Jan 2019 14:15:38

To: Leo Caseria; Aundrea K Gulley

Cc: Nemelka, Michael N.; Ho, Derek T.; Wedgworth, Peggy; Kelston, Henry; McKenna, Elizabeth; Dan Hedlund; Michelle Looby; "SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com" (SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com); Hastert, Ethan A.; Michaels, Jessica A.; Miller, Britt M.; Provance, Matthew D.

Subject: RE: DMS: Reynolds' Privilege Log

Sensitivity: Normal

****EXTERNAL SENDER****

Leo,

Thank you for the clarification.

Plaintiffs view Defendants' proposed schedule as inequitable. Dealership Plaintiffs served challenges on December 26 and, under the proposed schedule, Defendants have until January 31 to serve a revised privilege log. Because CDK served its challenges January 8 and 9, Plaintiffs would have substantially less time to revise their logs than afforded to Defendants. To account for this difference, Plaintiffs propose providing their revised logs on February 8, a deadline of February 20 to meet and confer regarding Plaintiffs' logs, and the same motion to compel deadline of February 22. That would provide all parties equivalent lengths of time to revise their privilege logs.

Also, as we discussed on the call, the proposed privilege log timelines do not apply to CDK's forthcoming FTC privilege log. The Parties will discuss and agree upon the appropriate timeline for any challenges and motions to compel once CDK produces that log.

Email Recipients: Plaintiffs propose a recipient cutoff of 15 rather than 25.

Otherwise, it appears we have we largely have agreement on the substance. Plaintiffs will be insisting on reciprocity for amendments they may undertake to their logs in response to Defendants' challenges. Dealership Plaintiffs will relay such concerns, at least as to CDK's challenges, soon via letter. To the extent Reynolds issues any additional challenges, Plaintiffs will seek similar reciprocity for any amendments they agree to undertake.

Best regards,

Dan

From: Leo Caseria <LCaseria@sheppardmullin.com>

Sent: Thursday, January 10, 2019 2:29 PM

To: Dan Nordin <DNordin@gustafsongluek.com>; Aundrea K Gulley <agulley@gibbsbruns.com>

Cc: Nemelka, Michael N. <mnemelka@kellogghansen.com>; Ho, Derek T. <dho@kellogghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; Kelston, Henry <hkelston@milberg.com>; McKenna, Elizabeth <emckenna@milberg.com>; Dan Hedlund <DHedlund@gustafsongluek.com>; Michelle Looby <mlooby@gustafsongluek.com>; "SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com" (SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com) <SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>; Hastert, Ethan A. <EHastert@mayerbrown.com>; Michaels, Jessica A. <JMichaels@mayerbrown.com>; Miller, Britt M. <BMiller@mayerbrown.com>; Provance, Matthew D. <MProvance@mayerbrown.com>

Subject: RE: DMS: Reynolds' Privilege Log

Thanks Dan. The two points you raise are covered by the following statement in my email to you: "During this time, defendants will consider the issues you raised, and to the extent defendants intend to revise their privilege logs, those revisions would be made by the proposed January 31 deadline below." Defendants are still considering these issues. Regardless, you will have defendants' revisions as to the specific challenges you reference, if any, by Jan. 31.

Leo

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From: Dan Nordin <DNordin@gustafsongluek.com>

Sent: Thursday, January 10, 2019 11:59 AM

To: Leo Caseria <LCaseria@sheppardmullin.com>; Aundrea K Gulley <agulley@gibbsbruns.com>

Cc: Nemelka, Michael N. <mnelka@kellogghansen.com>; Ho, Derek T. <dho@kellogghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; Kelston, Henry <hkelston@milberg.com>; McKenna, Elizabeth <emckenna@milberg.com>; Dan Hedlund <DHedlund@gustafsongluek.com>; Michelle Looby <mlooby@gustafsongluek.com>; "SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com" (<SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>) <SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>; Hastert, Ethan A. <EHastert@mayerbrown.com>; Michaels, Jessica A. <JMichaels@mayerbrown.com>; Miller, Britt M. <BMiller@mayerbrown.com>; Provance, Matthew D. <MProvance@mayerbrown.com>

Subject: RE: DMS: Reynolds' Privilege Log

Leo,

Plaintiffs are evaluating your proposal and are aiming to provide a response soon. Thank you for the below summary of our discussion, but there are two points inadvertently omitted. The first is our discussion of the entries Dealership Plaintiffs identified as not reflecting predominately legal advice. On our call, you indicated that Defendants would confer on whether to re-evaluate those identified entries and potentially supplement the log. The second is that Defendants will be re-evaluating the entries Dealership Plaintiffs identified as being disclosed to third parties and either producing additional documents or supplementing their logs. Dealership Plaintiffs request Defendants' positions on these issues as well.

Also, it was brought to my attention yesterday that, due to an oversight, Dealership Plaintiffs initially produced a PDF version of their privilege log. An excel version of the log is attached.

Thank you,

Dan

Daniel J. Nordin ([profile](#))

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From: Leo Caseria <LCaseria@sheppardmullin.com>

Sent: Wednesday, January 9, 2019 5:58 PM

To: Dan Nordin <DNordin@gustafsongluek.com>; Aundrea K Gulley <agulley@gibbsbruns.com>

Cc: Nemelka, Michael N. <mnelka@kelloggghansen.com>; Ho, Derek T. <dho@kelloggghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; Kelston, Henry <hkelston@milberg.com>; McKenna, Elizabeth <emckenna@milberg.com>; Dan Hedlund <DHedlund@gustafsongluek.com>; Michelle Looby <mlooby@gustafsongluek.com>; "SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com" (<SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com>) <SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com>; Hastert, Ethan A. <EHastert@mayerbrown.com>; Michaels, Jessica A. <JMichaels@mayerbrown.com>; Miller, Britt M. <BMiller@mayerbrown.com>; Provance, Matthew D. <MProvance@mayerbrown.com>

Subject: RE: DMS: Reynolds' Privilege Log

Dear Dan,

Thanks for the productive call yesterday. As we discussed, defendants think it makes sense for the parties to agree to a brief, global extension of the motion to compel deadline so that the parties can further investigate and discuss issues relating to privilege logs. During this time, defendants will consider the issues you raised, and to the extent defendants intend to revise their privilege logs, those revisions would be made by the proposed January 31 deadline below.

Defendants propose the following revised schedule, which would be global and apply to all parties:

1. **January 11:** Deadline for all parties exchange any additional privilege log challenges they have to any party's privilege log.
2. **January 31:** Deadline for any party to serve a revised privilege log and produce any documents removed from that party's privilege log.
3. **February 15:** Deadline to complete meet and confers.
4. **February 22:** Deadline to file motions to compel.

Please let us know if you agree.

Other issues we discussed:

1. **Email recipients.** We continue to disagree that the number of recipients of an email makes any difference as to whether the document is privileged and appropriately logged. However, we offer the following compromise: Defendants will re-review any privilege log entries challenged in dealership plaintiffs' excel charts containing 25 or more recipients. To the extent defendants intend to produce those documents or revise those entries to provide additional detail, they will do so by January 31. Any agreement on this compromise must be global (other plaintiffs cannot raise the same challenge to emails with less than 25 recipients).
2. **Group emails.** We continue to disagree that the additional information you seek regarding purported group emails is required. However, based on our discussion, we propose the following compromise solution: Instead of names, email addresses and/or job descriptions, defendants will provide the number of current members of each group email address that is challenged in dealership plaintiffs' excel chart, along with a brief description of the current general purpose of the group. Defendants are willing to agree to do this if all plaintiffs agree to do this as well. In addition, any agreement on this compromise must be global (other plaintiffs cannot raise the same challenge to group emails and demand the information originally requested by dealership plaintiffs).
3. **"Request" entries.** As discussed, Reynolds will re-review any entry in its privilege log containing the root phrase "Request for legal advice."

Leo

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From: Dan Nordin <DNordin@gustafsongluek.com>

Sent: Tuesday, January 8, 2019 11:02 AM

To: Leo Caseria <LCaseria@sheppardmullin.com>; Aundrea K Gulley <agulley@gibbsbruns.com>

Cc: Nemelka, Michael N. <mnemelka@kellogghansen.com>; Ho, Derek T. <dho@kellogghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; Kelston, Henry <hkelston@milberg.com>; McKenna, Elizabeth <emckenna@milberg.com>; Dan Hedlund <DHedlund@gustafsongluek.com>; Michelle Looby <mlooby@gustafsongluek.com>; "SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com" (<SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>)' <SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>; Hastert, Ethan A. <EHastert@mayerbrown.com>; Michaels, Jessica A. <JMichaels@mayerbrown.com>; Miller, Britt M. <BMiller@mayerbrown.com>; Provance, Matthew D. <MProvance@mayerbrown.com>

Subject: RE: DMS: Reynolds' Privilege Log

Apologies all, here's the number:

866-453-5550

8144608#

From: Leo Caseria <LCaseria@sheppardmullin.com>

Sent: Tuesday, January 8, 2019 1:01 PM

To: Dan Nordin <DNordin@gustafsongluek.com>; Aundrea K Gulley <agulley@gibbsbruns.com>

Cc: Nemelka, Michael N. <mnemelka@kellogghansen.com>; Ho, Derek T. <dho@kellogghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; Kelston, Henry <hkelston@milberg.com>; McKenna, Elizabeth <emckenna@milberg.com>; Dan Hedlund <DHedlund@gustafsongluek.com>; Michelle Looby <mlooby@gustafsongluek.com>; "SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com" (<SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>)' <SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>; Hastert, Ethan A. <EHastert@mayerbrown.com>; Michaels, Jessica A. <JMichaels@mayerbrown.com>; Miller, Britt M. <BMiller@mayerbrown.com>; Provance, Matthew D. <MProvance@mayerbrown.com>

Subject: RE: DMS: Reynolds' Privilege Log

Hi Dan,

The number below appears to be incorrect and is not a conference line.

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From: Dan Nordin <DNordin@gustafsongluek.com>

Sent: Friday, January 4, 2019 2:10 PM

To: Leo Caseria <LCaseria@sheppardmullin.com>; Aundrea K Gulley <agulley@gibbsbruns.com>

Cc: Nemelka, Michael N. <mnemelka@kelloggghansen.com>; Ho, Derek T. <dho@kelloggghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; Kelston, Henry <hkelston@milberg.com>; McKenna, Elizabeth <emckenna@milberg.com>; Dan Hedlund <DHedlund@gustafsongluek.com>; Michelle Looby <mlooby@gustafsongluek.com>; "SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com" (<SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com>)' <SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com>; Hastert, Ethan A. <EHastert@mayerbrown.com>; Michaels, Jessica A. <JMichaels@mayerbrown.com>; Miller, Britt M. <BMiller@mayerbrown.com>; Provance, Matthew D. <MProvance@mayerbrown.com>

Subject: RE: DMS: Reynolds' Privilege Log

Leo,

Thank you for the letter. Yes, Dealership Plaintiffs are available Tuesday, January 8, at 1 p.m. central to meet and confer. We can use the following dial-in:

866-543-5550

8144608#

Have a good weekend.

Dan

From: Leo Caseria <LCaseria@sheppardmullin.com>

Sent: Friday, January 4, 2019 2:25 PM

To: Dan Nordin <DNordin@gustafsongluek.com>; Aundrea K Gulley <agulley@gibbsbruns.com>

Cc: Nemelka, Michael N. <mnemelka@kelloggghansen.com>; Ho, Derek T. <dho@kelloggghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; Kelston, Henry <hkelston@milberg.com>; McKenna, Elizabeth <emckenna@milberg.com>; Dan Hedlund <DHedlund@gustafsongluek.com>; Michelle Looby <mlooby@gustafsongluek.com>; "SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com" (<SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com>)' <SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com>; Hastert, Ethan A. <EHastert@mayerbrown.com>; Michaels, Jessica A. <JMichaels@mayerbrown.com>; Miller, Britt M. <BMiller@mayerbrown.com>; Provance, Matthew D. <MProvance@mayerbrown.com>

Subject: RE: DMS: Reynolds' Privilege Log

Dear Dan,

Please see the attached letter on behalf of Reynolds.

Reynolds and CDK are both available to meet and confer about the issues raised in your December 25 letters to defendants. We are available on Tuesday, January 8, at 1 p.m. central time or later. Let us know if there is a time that works best for you.

Leo

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From: Dan Nordin <DNordin@gustafsongluek.com>

Sent: Friday, January 4, 2019 12:07 PM

To: Leo Caseria <LCaseria@sheppardmullin.com>; Aundrea K Gulley <agulley@gibbsbruns.com>

Cc: Nemelka, Michael N. <mnelmelka@kelloggghansen.com>; Ho, Derek T. <dho@kelloggghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; Kelston, Henry <hkelston@milberg.com>; McKenna, Elizabeth <emckenna@milberg.com>; Dan Hedlund <DHedlund@gustafsongluek.com>; Michelle Looby <mlooby@gustafsongluek.com>

Subject: RE: DMS: Reynolds' Privilege Log

Leo,

In the letter I sent regarding Dealership Plaintiffs' challenges to Reynolds' privilege log, I requested Reynolds' final responses by today and offered to meet and confer in the meantime. Can we expect Reynolds' responses to Dealership Plaintiffs' privilege log challenges today?

Thanks,

Dan

From: Dan Nordin

Sent: Wednesday, December 26, 2018 9:26 PM

To: Leo Caseria <LCaseria@sheppardmullin.com>; Aundrea K Gulley <agulley@gibbsbruns.com>

Cc: Nemelka, Michael N. <mnelmelka@kelloggghansen.com>; Ho, Derek T. <dho@kelloggghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; Kelston, Henry <hkelston@milberg.com>; McKenna, Elizabeth <emckenna@milberg.com>; Dan Hedlund <DHedlund@gustafsongluek.com>; Michelle Looby <mlooby@gustafsongluek.com>

Subject: DMS: Reynolds' Privilege Log

Leo,

Please see the attached. Thanks, and happy holidays!

Dan

Daniel J. Nordin ([profile](#))

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